

May 16, 2020



U.S. Department
of Transportation

East Building, PHH-30

1200 New Jersey Avenue
S.E.
Washington, D.C. 20590

**Pipeline and Hazardous
Materials Safety Administration**

DOT-SP 21052

EXPIRATION DATE: 2020-06-16

(FOR RENEWAL, SEE 49 CFR § 107.109)

1. GRANTEE: Siena Plastics
Charlotte, NC
2. PURPOSE AND LIMITATION:
 - a. This emergency special permit authorizes the manufacture, marking, sale and use of jerricans manufactured with an alternative closure system that have not completed the 28-day stack test required in §§ 178.606 during the coronavirus disease 2019 (COVID-19) Public Health Emergency as determined by the Secretary of Health and Human Services. This special permit will terminate when the COVID-19 Public Health Emergency ends, the required testing is completed, or at the expiration date, whichever occurs sooner. This special permit provides no relief from the Hazardous Materials Regulations (HMR) other than as specifically stated herein. The most recent revision supersedes all previous revisions.
 - b. The safety analyses performed in the development of this special permit only considered the hazards and risks associated with transportation in commerce.
 - c. Unless otherwise stated herein, this special permit consists of the special permit authorization letter issued to the grantee together with this document.
3. REGULATORY SYSTEM AFFECTED: 49 CFR Parts 106, 107 and 171-180.

4. REGULATIONS FROM WHICH EXEMPTED: 49 CFR § 178.601(g)(5)(ii) and 178.606 in that the required 28 day stack test for jerricans manufactured with an alternative closure system has not been completed; and § 172.301(c) in that each package is not required to be marked with the special permit number.
5. BASIS: This special permit is based on the application of Siena-Plastics, Inc. dated May 8, 2020, submitted in accordance with § 107.117 and a determination that it is necessary to protect human life.
6. HAZARDOUS MATERIALS (49 CFR 172.101):

Hazardous Materials Description			
Proper Shipping Name	Hazard Class/ Division	Identification Number	Packing Group
As authorized in the § 172.101 Hazardous Materials Table for PG II and III liquid with a maximum specific gravity of 1.8	As appropriate	As appropriate	II and III

7. SAFETY CONTROL MEASURES:
- a. PACKAGING: Prescribed packagings are UN 3H1 jerricans with a capacity of 4 to 7 gallons, fitted with a Plasticap™ 70 mm threaded closure that has not been certified for the package. The packagings must be certified at the PG II performance level.
- b. TESTING: Packages shall be prepared and successfully tested in accordance with §§ 178.603, 178.604, and 178.605 for the drop, leakproofness, and hydrostatic tests respectively prior to sale and shipment.
- c. RECALL: If the closure authorized under this special permit does not pass the required testing the grantee must notify PHMSA at specialpermits@dot.gov within 48 hours of the failure and recall all the packagings sold under this permit within 45 days of the failed test.

8. SPECIAL PROVISIONS:

a. In accordance with the provisions of Paragraph (b) of § 173.22a, persons may use the packaging authorized by this special permit for the transportation of the hazardous materials specified in paragraph 6, only in conformance with the terms of this special permit.

b. A person who is not a holder of this special permit who receives a package covered by this special permit may reoffer it for transportation provided no modification or change is made to the package and it is reoffered for transportation in conformance with this special permit and the HMR.

c. A current copy of this special permit must be maintained at each Siena-Plastics facility that manufactures the jerricans.

d. The air mode of transportation is not authorized under the provisions of this special permit.

9. MODES OF TRANSPORTATION AUTHORIZED: Motor vehicle only.

10. MODAL REQUIREMENTS: None.

11. COMPLIANCE: Failure by a person to comply with any of the following may result in suspension or revocation of this special permit and penalties prescribed by the Federal hazardous materials transportation law, 49 U.S.C. 5101 et seq:

- o All terms and conditions prescribed in this special permit and the Hazardous Materials Regulations, 49 CFR Parts 171-180.
- o Persons operating under the terms of this special permit must comply with the security plan requirement in Subpart I of Part 172 of the HMR, when applicable.
- o Registration required by § 107.601 et seq., when applicable.

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Each "Hazmat employee", as defined in § 171.8, who performs a function subject to this special permit must receive training on the requirements and conditions of this special permit in addition to the training required by §§ 172.700 through 172.704.

No person may use or apply this special permit, including display of its number, when this special permit has expired or is otherwise no longer in effect.

Under Title VII of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU)—"The Hazardous Materials Safety and Security Reauthorization Act of 2005" (Pub. L. 109-59), 119 Stat. 1144 (August 10, 2005), amended the Federal hazardous materials transportation law by changing the term "exemption" to "special permit" and authorizes a special permit to be granted up to two years for new special permits and up to four years for renewals.

12. REPORTING REQUIREMENTS: Shipments or operations conducted under this special permit are subject to the Hazardous Materials Incident Reporting requirements specified in 49 CFR §§ 171.15 - Immediate notice of certain hazardous materials incidents, and 171.16 - Detailed hazardous materials incident reports. In addition, the grantee(s) of this special permit must notify the Associate Administrator for Hazardous Materials Safety, in writing, of any incident involving a package, shipment or operation conducted under terms of this special permit.

Issued in Washington, D.C.:



for William Schoonover

Associate Administrator for Hazardous Materials Safety

Address all inquiries to: Associate Administrator for Hazardous Materials Safety, Pipeline and Hazardous Material Safety Administration, U.S. Department of Transportation, East Building PHH-30, 1200 New Jersey Avenue, Southeast, Washington, D.C. 20590.

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Copies of this special permit are accessible at <https://www.phmsa.dot.gov/approvals-and-permits/hazmat/special-permits-search>. Photo reproductions and legible reductions of this special permit are permitted. Any alteration of this special permit is prohibited.

PO: Kenny Herzog